



Atty. Docket No.: 1828.0002M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the REISSUE application of

David H. ROSE

Serial No. 09/725,850

Filed: November 30, 2000

Title: Personal Computer Data Storage Card and Method for Transferring Information Between the Data Storage Card and Personal Computer

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant had received a Notice of Allowance dated April 17, 2003 and immediately filed the Issue Fee along with the appropriate documents on April 23, 2003. Accordingly, Applicant expects the subject application to issue shortly. Applicant has just become aware of certain documents provided by a third party during licensing negotiations for the subject application. Applicant has reviewed the provided documents and, for at least the reasons discussed in detail below, the documents are not known to Applicant to be material to patentability of the subject application under 37 C.F.R. §1.56. However, in an abundance of caution with respect to the duty under 37 C.F.R. §1.56, Applicant is submitting this Information Disclosure Statement for placement in the application file (See M.P.E.P §609(III)(B)(4)) in order to provide notice and inform the U.S. Patent and Trademark Office (USPTO) of those documents. This statement is also being submitted in

accordance with M.P.E.P. §2004 which indicates that potentially material information discovered late in prosecution should be immediately submitted whether or not the Issue Fee has been paid. Copies of the documents listed on the enclosed Information Disclosure Citation form are submitted herewith.

The documents listed on the citation form are each directed to the same Doctor Who Record Album in the form of a square CD. The Internet website document includes a date of June 23, 2003 for the most recent website update, while the Cooper article was provided to Applicant by the third party without any publication date. Further, the Cooper article alleges that the Doctor Who square CD was available in England in 1990. The information contained within these documents does not sufficiently establish publication dates and/or use by others, public use or sale of the Doctor Who Square CD in this country that would render those documents qualified prior art with respect to the subject application under the requirements of 35 U.S.C. §102. Further, Applicant does not have knowledge of any evidence that would qualify the listed documents or Doctor Who square CD as prior art applicable to the subject application.

Even assuming that the listed documents and square CD somehow qualify as prior art with respect to the subject application, the documents and square CD are not material to the patentability of the subject application and are merely cumulative with respect to the subject matter previously cited by and/or submitted to the USPTO during prosecution. In particular, the subject application includes independent claims 19, 25, 31, 37, 43 and 44. Independent claims 19, 25, 31, 37, 43 and 44 recite the features of facilitating transfer of data between the data card and personal computer in response to the personal computer rotating the data card about an axis perpendicular to and passing through the card to enable the personal computer to access the storage medium. Independent claims

19, 31 and 43 further recite the feature of the card being directly insertable into a personal computer drive for transfer of information between the card and personal computer. Thus, each of the independent claims recite a personal computer rotating the card to transfer data between the card and personal computer.

The Cooley article explicitly states that the Doctor Who square CD was too small to fit into a tray-loading CD player, being playable only in a spindle loading CD player (i.e., the disk must be placed directly onto the rotating hub of the player). However, personal computers commonly house the spindle of a CD drive internally and utilize a tray or other mechanism for transporting and inserting the CD into the personal computer for engagement with the spindle. These types of drives prevent direct placement of the CD on the spindle as required by the Doctor Who CD and thereby inhibit rotation of that CD by the personal computer and data transfer between that CD and the personal computer as recited in the independent claims. Accordingly, the listed documents and the Doctor Who square CD are not material to patentability of the claims of the subject application.

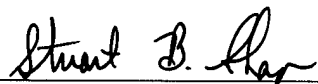
In addition to the foregoing, the Examiner rejected claims of the subject application during prosecution based on U.S. Patent No. 5,579,296 (Smith et al.) (See Paragraph 9 of the Office Action of August 28, 2001). The Smith et al. patent discloses a thin film system readable by a CD player and disposed on an adaptor. The shape of the thin film is unimportant and may be configured as a circle, **a square**, a rectangle, a triangle, a star, an animal head or any of the virtually limitless variety of different geometric shapes (See Fig. 29 and Column 10, Lines 3 – 10). Thus, the subject matter of the listed documents (e.g., a square CD) is considered cumulative with respect to the information previously cited by and/or submitted to the USPTO.

In view of the above, the listed documents are not material to patentability of the subject

application, but are being submitted to provide notice and inform the USPTO of those documents in an abundance of caution with respect to the duty under 37 C.F.R. §1.56.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,

A handwritten signature in cursive script, reading "Stuart B. Shapiro", is written over a horizontal line.

Stuart B. Shapiro  
Registration No. 40,169

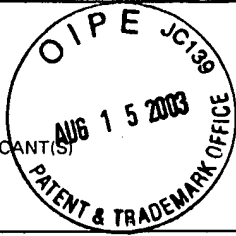
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Hand-delivered: 8/15/2003

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

LIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)



ATTY DOCKET NO. 1828.0002M

SERIAL NO. 09/725,850

APPLICANT David H. ROSE

FILING DATE 11/30/2000

GROUP

U.S. PATENT DOCUMENTS

| *EXAMINER<br>INITIAL |  | DOCUMENT<br>NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF<br>APPROPRIATE |
|----------------------|--|--------------------|------|------|-------|----------|-------------------------------|
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FOREIGN PATENT DOCUMENTS

|  |  | DOCUMENT<br>NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION<br>YES/NO/<br>OR ABSTRACT |
|--|--|--------------------|------|---------|-------|----------|---------------------------------------|
|  |  |                    |      |         |       |          |                                       |
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OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

|  |  |  |   |
|--|--|--|---|
|  |  |  | Cooper, Gregory; Collectible Compact Disc Price Guide 2, Shaped CDs, 2 pages.   |
|  |  |  | Richard's Doctor Who Collection Collectibles, Limited Edition Square CD, Retrieved from Internet website last modified June 15, 2003. |
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EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.s